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STATE FOR SCA/FO DAS GASTRIGHT, SCA/A, S/CRS, S/CT,
EUR/RPM, INL/CIVPOL
STATE PASS TO USAID FOR AID/ANE, AID/DCHA/DG,
NSC FOR AHARRIMAN
OSD FOR SHIVERS
CENTCOM FOR CSTC-A, CG CJTF-76, POLAD

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TAGS: [PGOV](#) [ECON](#) [MARR](#) [EFIN](#) [NATO](#) [AF](#)

SUBJECT: REGULATING PRIVATE SECURITY COMPANIES: NEED FOR
ACCOUNTABILITY AND NON-DISCRIMINATORY TREATMENT

REF: KABUL 1679

¶1. (SBU) Following the recent DIAG meeting at which President Karzai highlighted perceived problems with unlicensed Private Security Companies (reftel), the Policy Action Group on May 17 further reviewed the situation with the international community. Deputy Minister of Interior Khalid and head of the DIAG Disarmament and Reintegration Commission Stanekzai argued that although there are 59 PSCs registered with the Afghanistan Investment Support Agency, many of these are not actually legitimate businesses. At the moment there is no procedure for registering weapons, completing background checks on individuals, or even verifying the bona fides of the companies, they said. Former Minister Stanekzai added that the GOA recognizes the need to provide adequate protection for persons and property at a level higher than that which the Afghan National Police is capable of providing. However, he argued the need to ensure accountability and transparency through appropriate licensing and regulation of these companies. The representative of the National Directorate of Security (NDS) told the PAG that in his agency's view many of these companies are controlled by drug smugglers, criminals, or warlords. The NDS estimates that 70 percent of the crimes committed in Kabul involve these companies.

¶2. (SBU) Ambassador Wood commented that it is important for public safety and order to know who has weapons. It is also the case that there is a legitimate demand by banks and foreign investors who need robust security. Regulation is necessary but a balance must be kept so that these companies are not forced out of operation.

¶3. (SBU) After further discussion and interventions by the UK Ambassador and COMISAF that generally supported Ambassador Wood's points, it was decided that the issue should be referred to a Working Group, to

include relevant Ministries and international community members. That group met on May 27. Attendees were presented with a draft regulation that had been put together by a previous working group. The international representatives quickly determined that the document, while a good first step, lacked essential provisions and needed revision of most others to protect the impartiality, transparency, and accountability of the regulatory process. It was decided that after an official translation has been prepared and circulated, comments would be submitted in writing and the Working Group would meet again within a short period to finalize a revised draft.

¶4. (SBU) Separately, polmiloff and RSOs met with representatives of two Private Security Companies who described the difficulties they have encountered operating in Afghanistan. They described an environment in which foreign-owned PSCs have trouble getting licenses without paying fees far in excess of prescribed amounts, companies are unable to gain permission for the use of weapons that are needed for their mission (especially in the South), and legitimate locally-engaged security guards have been arrested and remain in jail because the documents issued by one part of the MOI are not recognized by another part. The company representatives said they strongly support a new regulation, but it must be transparent, clear, and non-discriminatory.

¶5. (SBU) Comment: Clearly there is a vital need for regulation, but it must be carefully drafted so that it will protect legitimate businesses while

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forestalling the criminal elements and political power brokers who use PSCs as their own militia forces. Post, in coordination with CSTC-A and other members of the international community, will engage closely with the GOA in revising the draft regulation until it reaches an acceptable standard. Since President Karzai is seized with the need to solve this issue and it has been tasked by the PAG, we are hopeful that we can fairly quickly reach agreement on an acceptable draft. While difficulties in implementation will remain, approving the regulation will be an important step forward in resolving this problem.

WOOD